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UBER TECHNOLOGIES, INC.  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,  
21 Plaintiff,  
22 v.  
23 UBER TECHNOLOGIES, INC.,  
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OPPOSITION  
TO WAYMO'S MOTION TO  
EXCLUDE DEFENDANTS'  
DAMAGES EXPERT WALTER  
BRATIC**

Judge: The Honorable William Alsup

Trial Date: February 5, 2018

1 Based on the Court's ruling on Waymo's damages expert Michael Wagner (Dkt. 2166),  
2 Uber will not call Walter Bratic at trial. This moots Waymo's present Motion to Exclude  
3 Mr. Bratic (Dkt. 2276).

4 Uber has separately objected to the inadequacies of Waymo's damages disclosures apart  
5 from Mr. Wagner's now-rejected report and expects to renew those objections at trial to the  
6 extent that they are denied pre-trial. Depending on what evidence on damages the Court  
7 ultimately allows Waymo to present at trial, Uber may seek leave from the Court to supplement  
8 Mr. Bratic's expert report and call him as a witness.

9  
10 Dated: December 1, 2017

MORRISON & FOERSTER LLP  
BOIES SCHILLER FLEXNER LLP  
SUSMAN GODFREY LLP

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12  
13 By: /s/ William Christopher Carmody  
William Christopher Carmody

14 Attorneys for Defendants  
15 UBER TECHNOLOGIES, INC. and  
16 OTTOMOTTO LLC

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19 **ATTESTATION OF E-FILED SIGNATURE**

20 I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this  
21 Opposition. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that William Christopher  
22 Carmody has concurred in this filing.

23  
24 Dated: December 1, 2017

/s/ Michael A. Jacobs  
Michael A. Jacobs